



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,317	01/05/2001	Thomas R. Goodwin		5059

7590 07/21/2005  
Michael E. Mauney  
Attorney at Law  
P. O. 10266  
Southport, NC 28461

EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/755,317

Applicant(s)

GOODWIN, THOMAS R.

Examiner

Jeffrey C. Pwu

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

RD

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is rejected as being vague and indefinite because it is unclear what are the necessary maintenance requirements.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab (U.S. 5,973,731) in view of Sandifer (U.S. 5,987,474).

Schwab discloses a system and method for keeping a permanent record using a network substantially claimed including :

establishing a client system; (18)

establishing a server system; (13)

establishing a back-up system; ("The Internet server 13 (Web Site) and database are backed up. A RAID level 5 disk mirroring system 23 is used to provide redundant online swappable disk storage. The system will automatically switch to a mirrored back-up drive with no loss of service. The failed drive can be removed from the system and replaced with a functional drive without having the Internet network server 13 or database host computer experience downtime."); col.3, lines 60-)

connecting said client system, said server system, and said back-up system; (col.3, lines 60-)

under the control of said client system, displaying a record form, and in response to data entered on said client system, completing data fields in said record form and sending said completed record form to said server system with a unique client identifier; (40)

under the control of said server system, receiving said record with said data and said unique client identifier, and storing said record in a segregated database keyed to said client identifier; (col.4, lines 27-66)

under the control of said back-up system, receiving said completed record form permanently stored in said server system, and making a permanent back-up so that a back-up of said segregated database is made, whereby said client system, said server system, said back-up system, and said means for connection are used to make and

Art Unit: 2143

store permanent record in said server system that is accessible to said client system and backed up in said back-up system; ("Data elements are validated at entry, in real time, ensuring accurate data. Printouts of the same data are included for the patient's permanent record."; col.6, line 24-)

wherein under the control of said client system, using said unique client identifier is required to gain access to records stored under the control of said server system in said segregated database keyed to said client identifier; (fig.3, web form, and database tables)

wherein under the control of said server system, providing search capabilities to said client system for searching of said segregated database; (Appendix A)

wherein under the control of said server system, providing a tracking history of all record forms stored in said segregated database; (35)

wherein under the control of said client system providing a means for printing copies of record forms stored in said segregated database keyed to said client identifier; (68)

Schwab fails to teach the record is undeletable.

Art Unit: 2143

Sandifer, however, discloses that write protection is provided such that each inspection is permanently attached to each record so that it is unalterable (Sandifer –col.42, lines 51-60)

Both Schwab and Sandifer disclose methods concerned with keeping maintenance records. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the write protection to provide permanent , unalterable record so that critical information is not tampered with or changed.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



7/18/05

JEFFREY PWU  
PRIMARY EXAMINER